From: HarborComments <HarborComments@epa.gov>
Sent: Wednesday, September 07, 2016 9:42 AM
To: PortlandHarbor
Subject: FW: Clean Up Portland Harbor
Attachments: 349011226981984574.pdf

From: (b) (6)
Sent: Tuesday, September 06, 2016 3:47 PM
To: HarborComments <HarborComments@epa.gov>
Subject: Re: Clean Up Portland Harbor

Clean Up Portland Harbor

Letter	Dr. Ms. McCarthy, The proposed cleanup of the Portland Harbor is a big win for industry and a bad deal for the public. EPA's cleanup proposal tackles just 8% of a site area that is 100% toxic. A more aggressive plan is needed to prevent even more harm to human health and the environment. On behalf of all people who rely on the river for food, recreation, employment and culture, I urge the EPA to implement a plan that: Moves quickly and sustainably reduces contaminants causing harm to Willamette and Columbia River resources. Includes ongoing monitoring and cleanup upriver and downriver from the site. Contributes to healthy fish that are safe to eat for all people. Holds polluters accountable for creating a safer Portland Harbor. These elements get us closer to the plan our communities deserve. And I deserve a clean, safe Portland Harbor. *Submitted during the comment period between June 9, 2016 to August 8, 2016 regarding the EPA's Portland Harbor Feasibility Study and Proposed Plan.
First Name	(b) (6)
Last Name	(b) (6)

E-mail	(b) (6)
Upload your own letter (.pdf, .doc or .docx, 1 MB limit)	Marions EPA comments.docx

Comments to EPA on Proposed Plan for Cleaning the Portland Harbor Superfund Site

I am writing to recommend that the EPA does not adopt Alternative I, which relies too much on Monitored Natural Recovery, and instead adopts Alternative G with enhancements, which will provide more aggressive treatment of the Portland Harbor Superfund site. Alternative G provides much stronger tools to insure long-term effectiveness and permanence, and reduction of the site's toxicity. Alternative G will also give the affected communities a stronger guarantee that the cleanup will result in a river that is not toxic to human health, or to the fish, birds, and other mammals that rely on it.

I lack confidence in the timely effectiveness of Monitored Natural Recovery. In the short term, a comprehensive cleanup with significant removal of contaminated sediments would be the most disruptive to biological communities; however, the greatest risk reduction would be achieved in the long term. In weighing these alternatives, I want the EPA to put the most emphasis on long-term effectiveness and permanence and the reduction of toxicity, and use an aggressive approach to provide certainty that minimal or no additional remedial action will be necessary.

I support Alternative G, which calls for dredging a greater volume of contaminated sediment than described in Alternative I, because of the lack of confidence expressed by authoritative sources such as the National Remedy Review Board (NRRB) and the Oregon Department of Environmental Quality (DEQ) in the effectiveness of Monitored Natural Recovery (MNR) in this application.

Monitored Natural Recovery has not been shown to effectively deal with contaminants that do not degrade, including metals, PCBs, and dioxins/furans. MNR may be effective on polycyclic aromatic hydrocarbons (PAHs), and may be appropriate for those areas of the river that have only this contaminate present. However, it is not appropriate to be the main remedy for the large portions of the river that contain other, more persistent, contaminates. For example, Alternative I will leave approximately 2000 to 4000 more kg of PCBs in the river than will Alternative G. Even using the more extensive remedies of Alternative G, there will still be over 1000 feet of surface sediments on shorelines that will be contaminated by lead, mercury, and other heavy metals. I request that the Record of Decision increase the remedial action in these shoreline areas and increase dredging to remove contaminated surface sediments other than PAHs, which may respond to MNR.

The NRRB expressed concerns about the efficacy of MNR in the Portland Harbor and cited the lack of qualitative evidence and modeling information. (NRRB memo, 12/31/15, p. 9) DEQ's October 19, 2015 memo to the NRRB (pgs. 4 and 5) cites EPA analysis casting doubt on the ability of the Lower Willamette Group's modeling to predict natural recovery rates in the Portland Harbor.

The cleanup plan describes the impact of various types of capping and surface applications on habitat. Every effort should be made to select options that will provide a healthy functioning aquatic environment for the benthic community and other wildlife. The Record of Decision (ROD) must specify that any lost habitat needs to be restored as a requirement of the final remedy.

Those most affected by the contamination are communities that have historically and into the present time been the economically and politically vulnerable. Alternative H offer the best hope of providing a measure of environmental justice by removing the worst contaminants from the vicinity of these communities, and creating a timeframe within which fish from the river will be safe for consumption by people, birds, invertebrates, and other mammals.

The large number of Potentially Responsible Parties (PRP) is one of the factors that persuades me of the importance of choosing an Alternative that gets it right the first time and reduces the possibility of the need for additional remedial action. If a less aggressive remedy (such as Alternative I) is chosen, and monitoring subsequently proves it to be ineffective in restoring the river, the large number of Potentially Responsible Parties will make re-negotiation of costs extremely difficult if not impossible.

The EPA will monitor cleanup progress every five years. Alternative I relies heavily on MNR, making it much more likely that five or ten years from now the EPA may discover that additional work is needed to make the Superfund site safe for human health, as well as for the fish, birds, and other mammals whose habitat is the river. It will be extremely challenging, however, to go back to the many PRPs in 5 or 10 years to get additional funding. This likely will delay or even derail the Willamette River's recovery. If it isn't possible to bring all the PRPs back to the negotiation table, it's possible that the public entities—City of Portland, Port of Portland, NW Natural, etc.—will be on the hook for the additional cost, which will, in effect, make taxpayers and rate payers liable for the clean up. Although Alternative G is not perfect, it will remove a much higher proportion of the contaminants, and store them in a certified disposal facility. Under Alternative G, the PRPs will know up front what the costs will be.

The ROD must require some form of insurance or surety bonds from all the PRPs to cover the cost of additional remedial action if the adopted plan does not lead to the anticipated or desired results, to ensure that the liability for the cleanup is not shifted to taxpayers over the performance period of the cleanup.

In addition to the five-year progress monitoring, the ROD must also require that the PRPs monitor daily all aspects of the cleanup, including air quality, water quality, soil quality, and sediment quality, as well as monitoring the noise and odor created by the cleanup. This data must be collected using a standardized protocol and made available to the public, in real time, during the cleanup, so the public has information about ongoing progress or lack thereof.

Issues of Environmental Justice must be addressed in the ROD. The communities most affected by the Superfund contamination must have their voices heard.

As an example, the adjoining communities have opposed the use of a Confined Disposal Facility (CDF) in Terminal 4 since the concept was first raised. The community does not want to have a CDF, which will exist in perpetuity. . According to the EPA's analysis, a CDF would be logistically and administratively challenging and add to the length of time it takes to complete construction. Concerns over habitat destruction and the risks presented by climate change, flooding, and earthquakes are compelling. The ROD must be clear that the toxic waste removed from the river area will be taken to a certified Toxic Waste Dump so that future generations don't have to worry about the re-contamination of the river as a result of earthquakes, flooding, or engineering failure.

Another example is that fish contamination is poorly addressed in Alternative I. The ROD must specify that baseline values of contaminants will be established prior to the beginning of the cleanup so that progress can be monitored. Posting fish advisories in perpetuity is not effective, nor is it acceptable to communities that rely on fish from the river for economic or cultural reasons. Using MNR to accomplish 80% of the cleanup, as proposed in Alternative I, leaves the health of these communities at risk forever.

As the NRRB states in its memo to the EPA, the "challenges generally are true for fish advisories that may need to address human health risks over long time periods in a very large, extensively used water body like the site's study area." (NRRB memo, 12/31/15, p. 3) The DEQ explains that existing advisories are not deterring people from catching and eating resident fish, the primary threat to public health. (DEQ memo to NRRB, 10/19/15, p. 6) As the EPA's proposed plan states that upon completion, Alternative G relies to the least extent on fish advisories, confirming the benefits to public health and the environment of removing more contaminated sediment.

The Portland Harbor is critical to the economic success of the city and state. The DEQ places a priority on limiting the use of engineering controls such as engineered caps that will lead to the need for extensive use of Regulated Navigation Areas because of its concern over the effect on navigation, boating, and other marine activities. This concern argues for the removal of a greater volume of contaminated sediment in order to reduce the possibility that capped areas containing contaminants will be disturbed by recreational boating or shipping, thereby risking recontamination.

Monitoring of progress in meeting the short-term and long-term goals of the cleanup plan is an absolute necessity. As the DEQ points out in its memo to the NRRB (p. 2), clear water quality criteria and jointly agreed upon definitions of sediment recontamination and in-water risk related to source control performance standards will be critical to development of a valid monitoring plan. As mentioned above, clearly

defined standards also will serve the community as it tracks the progress towards returning the Willamette to a healthy state. The ROD should specifically respond to DEQ's request for a well-defined data management plan and actively managed database. The database should be available to the public in order to promote transparency.

For the reasons discussed above, and summarized below, I urge the EPA to choose Alternative G, and enhance it, rather than choose Alternative I.

- EPA's preferred alternative is overly reliant on MNR. The DEQ and NRRB both expressed serious doubts about the timely effectiveness of MNR. The people and wildlife that depend on the Portland Harbor have endured a toxic river for over a century. Now is the time to implement a plan we can be confident will return the Willamette to a healthy state. That plan should include more dredging and removal of contaminated sediments.
- The uncertainties related to MNR in the EPA's preferred alternative present a higher degree of financial risk due to the large number of PRPs involved and the long recovery period. If MNR is found to be ineffective at the five-year monitoring intervals, it will be unduly cumbersome to renegotiate financial commitments with the involved parties. Removing a larger volume of contaminated sediments reduces the likelihood that there will be a need for additional remedial action.
- Transporting contaminants to an off-site certified toxic waste disposal facility is preferable to storing them in the proposed CDF. Flooding, earthquakes, and other catastrophic events could re-expose humans and wildlife to more concentrated contaminants.
- The final plan should address the needs of people who have been most negatively affected by the contamination of the Willamette River. The adopted plan should give communities that rely on consuming resident fish, whether for cultural or economic reasons, certainty that in the not too distant future the river will support fish that are safe to eat and a thriving wildlife population. Furthermore, local residents should not have to bear the additional risk inherent in living near a CDF that is vulnerable to catastrophic events.

I urge you to adopt a cleanup plan that considers Alternative G with enhancements. Please ensure that the cleanup of the Willamette River is conducted in a way that is scientifically sound, fiscally accountable, and socially just.

Sincerely,

(b) (6)

Portland, OR 97201